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WRITTEN DESCRIPTIONS OF LAND

A GUIDE



DEPARTMENT OF JUSTICE
TORONTO



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General publications

**A GUIDE
FOR
WRITTEN DESCRIPTIONS OF LAND
UNDER
THE REGISTRY ACT**

This Guide was prepared by Samuel Vander Schelde, C.S.T., of the Staff of the Director of Land Registration, Department of Justice, Toronto, to assist in the interpretation of sections 5, 6 and 8 of Ontario Regulation 139/67, as amended.

TORONTO
1970

O/REG. 139/67
GUIDE No. 3

WRITTEN DESCRIPTIONS OF LAND
Revisions in Accordance with Recent Legislation

The Counties of Lincoln and Welland were merged to form the Regional Municipality of Niagara by The Regional Municipality of Niagara Act (effective January 1, 1970); the District of Muskoka became the District Municipality of Muskoka by the District Municipality of Muskoka Act (effective January 1, 1971) and under The Regional Municipality of York Act (effective January 1, 1971) the County of York was dissolved and replaced by the Municipality of Metropolitan Toronto and the Regional Municipality of York (covering all that part of the former County of York lying north of Metropolitan Toronto).

In addition, under O. Reg. 551/70 of The Registry Act (effective January 1, 1971) new names and designating numbers were assigned to registry divisions, (The use of the designating numbers is optional).

As a result of the aforementioned legislation, the following revisions should be noted.

Page 26 - lines 3 and 4

substitute "the Registry Office for the Registry Division of Carleton (No. 5)" for "the Registry Office for the Registry Division of the County of Carleton".

Page 27 - lines 27 and 28

substitute "the Registry Office for the Registry Division of Toronto (No. 63)" for "the Registry Office for the Registry Division of the City of Toronto".

Page 28 - lines 21, 22 and lines 24 and 25

substitute "the Registry Office for the Registry Division of Huron (No. 22)" for "the Registry Office for the Registry Division of the County of Huron".

Page 29 - lines 14 to 18 inclusive

substitute the following description:

Being composed of all of Lot 2, Block 1 in the Township of Binbrook in the County of Wentworth, SAVING AND EXCEPTING therefrom that portion of said Lot 2, Block 1, being all of the land shown on a plan, registered in the Registry Office for the Registry Division of W E N T W O R T H (No. 62), as No.....

Page 36 - lines 6 to 16 inclusive

substitute the following:

Lot 12, Concession 1, West of Yonge Street, in the T O W N - S H I P O F Y O R K, formerly in the Township of North York, County of York, now in the Borough of North York, in the Municipality of Metropolitan Toronto.

Lot 39, First Concession from the Bay, in the T O W N S H I P O F Y O R K, formerly in the Village of Swansea, County of York, now in the City of Toronto, in the Municipality of Metropolitan Toronto.

continued.....

Lot 19, Concession 5 in the T O W N S H I P O F C A I S T O R,
in the County if Lincoln, now in the Township of West Lincoln
in the Regional Municipality of Niagara.

Page 38 - lines 13 to 15 inclusive
substitute the following:

In the C I T Y O F T O R O N T O, in the Municipality of
Metropolitan Toronto, formerly in the V I L L A G E O F
S W A N S E A, in the County of York.

Page 44 - lines 20 and 21
substitute the following:

A L L O F L O T 9, Concession III, in the Township of
Freeman, in the District of Muskoka, now in the Township of
Georgian Bay, in the District Municipality of Muskoka.

Page 50 - lines 23 and 24

substitute "the Registry Office for the Registry Division of
Wellington South (No. 61)" for "the Registry Office for the
Registry Division of the South and Centre Ridings of the
County of Wellington".

Page 51 - lines 26 to 28 inclusive
substitute the following:

Being composed of part of Lot 1, First Concession from the Bay,
in the Township of York, County of York, now in the City of
Toronto, in the Municipality of Metropolitan Toronto and
designated as ALL OF BLOCK 4, which is described as follows:
(METES AND BOUNDS DESCRIPTION)

Page 62 - lines 9 and 10

substitute "the Registry Office for the Registry Division
of Oxford (No. 41)" for "the Registry Office for the Registry
Division of the County of Oxford".

Page 74 - RE: Concluding "NOTE"

Subsections 3 to 6 both inclusive of Section 8 of O.Reg.139/67
as amended have been revoked by O.Reg. 550/70 and new
subsections 3 and 4 have been substituted. Subsection 4 does
not apply. Subsection 3 reads as follows:
The Description of land in a notice registered
under section 136 of the Act may be the same as
the description in the registered instrument to
which the notice refers.

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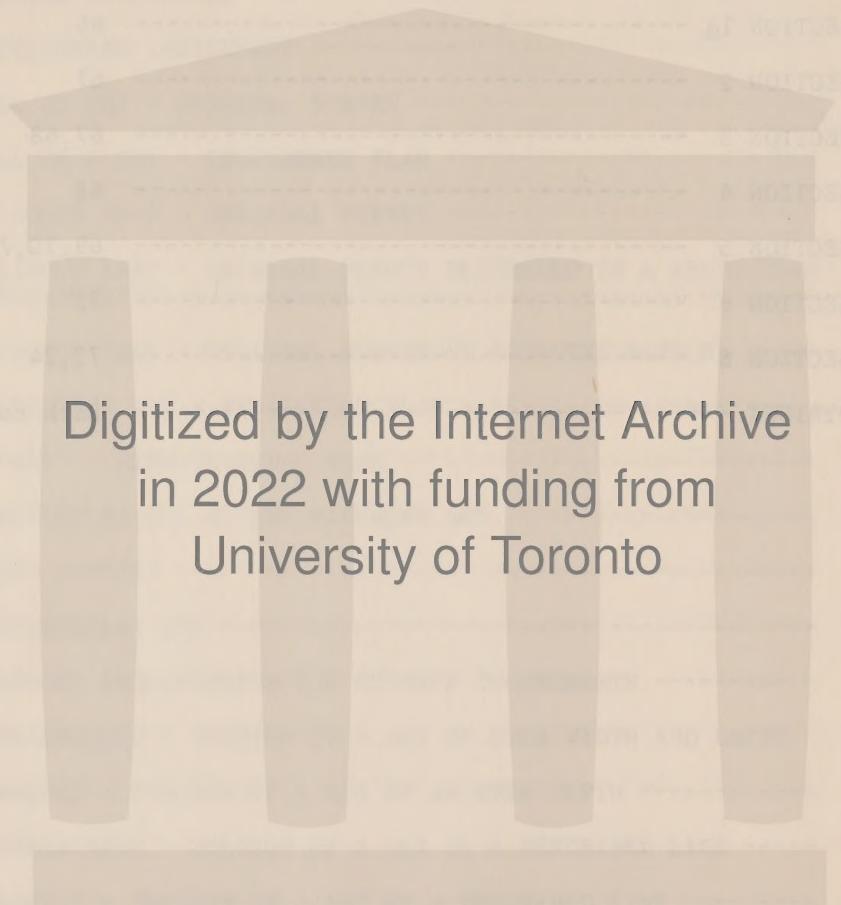
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COPYRIGHT -----	Back cover.

In view of the difficulty of surveying all land in the Province, the Minister of Natural Resources has made by Ontario Regulation 179/68 effective January 1, 1968, the authority to make descriptions that will be plans of survey deposited as "Reference Plans", the subject of public hearing, also prepared by Mr. Verner Schellier.

Sections 8 and 9 of the Regulation and this Guide incorporate many of the policies of description-making that had been adopted by the Office of Land Titles at Toronto before Reference Plans largely replaced written descriptions. These and the other provisions of the Regulation were drafted with the advice and constructive criticism of many experienced and qualified persons who generously donated their time and effort.



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FOREWORD

Before 1964, descriptions of land under The Registry Act had only to comply with section 33 of the Act, which required "a local or general description of land sufficient to enable the same to be traced or ascertained by a surveyor".

Ontario Regulation 156/64, the predecessor of Ontario Regulation 139/67, came into force on July 1, 1964, and for the first time gave Registrars authority to refuse to register instruments in which parcels of land were inadequately described. Part I (sections 5-8) of the former regulation was replaced by Part I of the latter, effective July 1, 1967. Section 7 was remade by Ontario Regulation 179/68 effective July 1, 1968, and now authorizes the use of descriptions that refer to plans of survey deposited as "Reference Plans", the subject of Guide No. 2, also prepared by Mr. Vander Schelde.

Sections 5 and 6 of the Regulation and this Guide incorporate many of the principles of description-writing that had been adopted by the Office of Land Titles at Toronto before Reference Plans largely replaced written descriptions. These and the other provisions of the Regulation were drafted with the advice and constructive criticism of many experienced and qualified persons who generously donated their time and effort.

Mr. Samuel Vander Schelde is a Certified Survey Technologist, with several varied academic accomplishments to his credit. He transferred as a draftsman from the Department of Highways at North Bay to the City Registry Office in Toronto in 1966, and became a member of my immediate staff, with the position title of "Plan Examiner" last year. Mr. Vander Schelde is an accomplished practical mathematician, and has lectured in that subject as well as in survey law. The general format of this guide and the detailed comments and illustrations are basically Mr. Vander Schelde's, although both he and I acknowledge, with thanks, the constructive criticism of Mr. Stephen Geneja, C.S.T., of the Registry Office at Belleville, and of Mr. James Small, C.S.T., of the Registry Office at Barrie. We also thank Mrs. Linda Kruus, C.S.T., for the lettering and drafting of the illustrations in this guide.

Finally, I want to record my appreciation of Mr. Vander Schelde's dedication to the improvement of our registry system, as is evidenced by his guides, of which this is the third. This guide will, no doubt, require subsequent revisions, but if it were to be withheld awaiting perfection, it would never be published.

So much for the background and credits. This guide has my approval, for distribution. Sam and I hope that it may be helpful not only to registry office personnel, but also to persons "outside the counter".

A handwritten signature in cursive ink, appearing to read "Richard E. Priddle".

RICHARD E. PRIDDLE
Director of Land Registration

Toronto
April 30, 1970

PLANS UNDER SECTION 86a OF THE REGISTRY ACT AND
SECTION 94 OF O.REG. 139/67

This GUIDE is intended to illustrate the different methods used for "WRITTEN DESCRIPTIONS" as set out in Sections 5, 6 and 8 of Ontario Regulation 139/67, as amended.

Although the writing of descriptions cannot be entirely governed by fixed rules, Sections 5 and 6 set out certain basic principles. A knowledge of these principles, added to a certain amount of experience and common sense are the main qualifications for judging if a description is in accordance with this Regulation.

Some attention should also be given to Section 86a, of THE REGISTRY ACT, under which a plan (referred to as "an illustration") may be attached to an instrument to illustrate a complex or vague description. SECTION 86a deals with two types of plans,

- 1) a PLAN OF SURVEY
- 2) a SKETCH

There is a considerable difference between a plan of survey and a sketch. A PLAN OF SURVEY reflects a legal survey which,
(a) defines and establishes boundaries, and
(b) re-establishes lost or destroyed boundaries.

This type of plan should conform to SECTIONS 9 to 36 both inclusive of Ontario Regulation 139/67, as amended, including SECTION 28(1), which reads "A PLAN SHALL BE CERTIFIED BY A SURVEYOR IN FORM 1". Form 1 of Ontario Regulation 139/67 is as follows:

SURVEYOR'S CERTIFICATE

I hereby certify that

1. This survey and plan are correct and in accordance with THE SURVEYS ACT and THE REGISTRY ACT and the regulations made thereunder.
2. The survey was completed on the day of, 19....

(signature)

.....

(date)

.....

(name in print)

Ontario Land Surveyor

It must be further noted that every plan of survey, whether registered separately or as a part or attached to an instrument, must conform with SECTIONS 9 to 36 both inclusive. (See SECTION 2).

The other type of plan under SECTION 86a of the Act is a SKETCH. A sketch is not a plan of survey and may be prepared by a person who is not an Ontario Land Surveyor for the purpose of accompanying and illustrating a written description of land.

SECTIONS 9 to 36, both inclusive, do not apply to a sketch, but it should conform to SECTION 86a, clause b, sub-clauses

6.

(i) and (ii) of THE REGISTRY ACT, and SECTION 94 of ONTARIO REGULATION 139/67. SECTION 94 does not impose limitations as to dimensions of a plan of survey or a sketch attached to an instrument but specifies that, if the plan exceeds certain dimensions, the original translucent tracing or a translucent copy thereof shall also be delivered to and retained in the custody of the Registrar.

EVIDENCE RELATED TO SURVEYS

is that which affirms a fact, and may consist of,

original field notes

monuments

boundary marks

etc.

Physical evidence of surveys of Township

boundaries, subdivisions, etc. may consist of

blazes

rock cairns

topography and monuments established

on the ground

EVIDENCE — Hearsay evidence -

The testimony of one or more

witnesses, who have a dependable

knowledge of the original location

Recorded evidence -

field notes

reports

sketches

Every line of prior surveys controlling an area now under survey must be substantiated and proven according to the

rule of "best evidence" as laid down by common law or statute law. If the actual location of an original land-mark CAN BE DISCOVERED, it must govern. IF NO EVIDENCE can be found, that fact must be so stated and the position of the original land-mark must be re-established by some valid method.

When the boundaries of a parcel of land as described in a deed are uncertain, the number of acres that the parcel is stated to contain may become an important, and very often the decisive factor, in locating the true boundaries of the parcel.

BUT, when the boundaries are clearly defined in the deed, no erroneous statement as to acreage can change the specified boundaries.

EVIDENCE RELATED TO DEEDS AND PLANS

Where the physical evidence on the ground does not conform to the courses in the deed, the general rule is as follows:

- If the deed refers to - (a) Physical features, monuments, fences
(b) Plans attached to the deed, or a survey of the particular parcel concerned

the existence of whatever evidence remains to be found of those surveys, physical features, etc., will be the factors governing a retracement of the boundaries.

The following indicates the basis for this rule.

"AMBIGUITY IN DESCRIPTION OF BOUNDARY"

The general rule to find the intent, where there is any ambiguity in the grant, is to give most effect to those things about which men are least liable to mistake.

On this principle, the things usually called for in a grant, that is, the things by which the land granted is described, are:

1. The highest regard had to natural boundaries;
2. To lines actually run and corners actually marked at the time of the grant;
3. If the lines and courses of an adjoining tract are called for, the lines will be extended to them, if they are sufficiently established;
4. To courses and distances, giving preference to the one or the other according to circumstances.

McPherson v Cameron, (1868) 7 N.S.R. 208 (C.A.)

DESCRIPTION BY REFERENCE TO PLAN

REFERENCE TO PLAN IN GRANT

Where land is described by a reference, either expressly or by implication, to a plan, the plan is considered as incorporated with the deed, and the contents and boundaries of the land conveyed, as defined by the plan, are to be taken as part of the description, just as though an extended description to that effect was contained in words in the body of the deed itself.

Grasett v Carter, (1884) 10 S.C.R. 105

AMBIGUOUS DESCRIPTION - REFERENCE TO PLAN

Where reference is made in the description in a deed to a plan attached, the interpretation to be given to the description must be one that accurately fits and describes what is to be found in the plan.

Blank v Romkey, (1913) 47 N.S.R. 127,
11 D.L.R. 661 (C.A.)

MARK SHOWN ON PLAN - NO REFERENCE TO MARK IN GRANT - ERROR
IN PLAN - MEASUREMENTS IN GRANT - WHETHER PLAN GOVERNS

Where land is granted by reference to a plan on which is shown a certain land-mark, the position of this land-mark on the ground will not be allowed to control the description in the grant, if it is not mentioned therein; and an inaccuracy in the plan will not control the dimensions in the deed.

Halifax Graving Dock Co. v Evans
(1914) 48 N.S.R. 56, 17 D.L.R. 536 (C.A.)

IT IS IMPORTANT THAT ANY RELEVANT MONUMENTS, ROCK CAIRNS, BLAZES, BOUNDARY MARKS BE REFERRED TO IN THE DEED, AND THAT PLANS ATTACHED TO INSTRUMENTS BE MENTIONED IN THE INSTRUMENTS.

A boundary may be defined as a line that fixes the limit of a property. A boundary usually severs property vertically, and so, theoretically, ownership extends to the centre of the earth and to the sky. However, a boundary may sever properties horizontally as, for example, between surface and sub-surface properties.

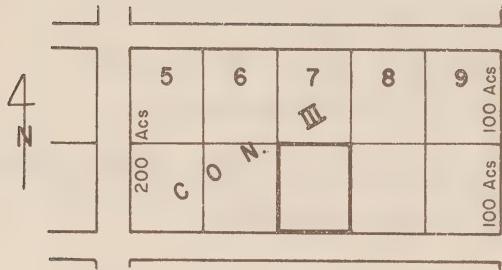
ORIGINAL LOTS AND DESIGNATIONS

Section 5-(1) (a) (i)

5-(1) A DESCRIPTION OF LAND IN AN INSTRUMENT, OTHER THAN A PLAN, TENDERED FOR REGISTRATION,

(a) SHALL MENTION EVERY LOT AFFECTED BY THE INSTRUMENT AND SHALL,

(i) WHERE THE LOT IS ACCORDING TO AN ORIGINAL SURVEY, MENTION THE CONCESSION, TRACT, RANGE, SECTION OR OTHER DESIGNATION IN ACCORDANCE WITH THE ORIGINAL GRANT FROM THE CROWN, OR (see page 14)



Double front Township, lots patented as half lots.

Being composed of all of the SOUTH HALF of Lot 7, Concession III.

See also O/REG.139/67, Sec.6(c)
(page 46)

"ORIGINAL SURVEY"
(Registry Act)

means an original survey as defined by The Surveys Act

"ORIGINAL SURVEY"
(Surveys Act)

means a survey made under competent authority

"COMPETENT AUTHORITY"
(Surveys Act)

means any governmental authority in existence before or after the creation of the Province of Ontario under whose instructions Crown land in Ontario has been or may be surveyed, or the owner of a tract of land which was not included in a township at the time the tract was granted by the Crown under whose instructions the first survey of the boundaries or interior of the tract has been made.

Continued.....

Original Crown Grants
were made, for example, of

- All of Lot 5, Concession IV
- North Half of Lot 3, Range 1
- East Half of Lot 6, Broken Front Concession
- South East quarter of Section 3
- Unsubdivided portion of Township of.....

THE DESIGNATION IN THE DESCRIPTION, IN ADDITION TO THE NAMING OF THE AFFECTED LOTS etc. SHALL BE THE SAME AS IN THE ORIGINAL GRANT FROM THE CROWN.

LOT AND PLAN NUMBERS
OTHER THAN EXPROPRIATION PLANS

Section 5-(1) (a) (ii)

5-(1) A description of land in an instrument, other than a plan, tendered for registration,

(a) shall mention every lot affected by the instrument and shall,

(ii) WHERE THE LOT IS ACCORDING TO A REGISTERED PLAN, OTHER THAN AN EXPROPRIATION PLAN, MENTION THE REGISTRATION NUMBER OF THE PLAN, AND

"REGISTERED PLAN" means - EXPROPRIATION PLAN
PLAN OF SUBDIVISION
JUDGE'S PLAN
MUNICIPAL PLAN
COMPILED PLAN
or

OTHER PLAN BY WHICH LOTS ARE CREATED
and which is registered under
The Registry Act.

"LOT" means

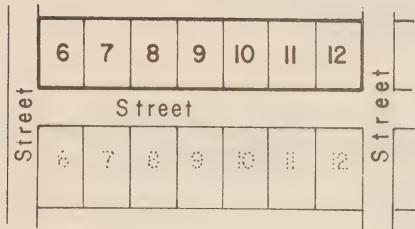
- A lot or any other area of land defined and designated by an original survey or by a registered plan, but in the case of an expropriation plan does not include such an area unless it is designated on the plan as a PART.

Continued.....

Where land is redesignated by a plan of subdivision or a compiled plan or a judge's plan or a municipal plan, the Registrar opens a new set of pages in his abstract index for each lot or block shown on the plan.

These plans are given registration numbers, which will be binding on persons subsequently dealing with the land.

See The Registry Act, Ss.86(3); 88(1C);
90; 91; 93a(4); and 94a(11)

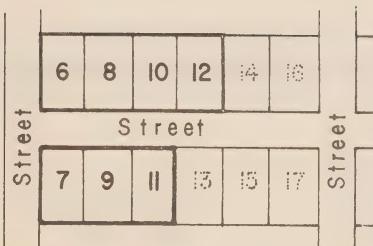


The lots in an instrument were described as follows -

"ALL OF LOTS 6 TO 12 BOTH INCLUSIVE, ACCORDING TO PLAN"

This description is not ambiguous, if
(1) the numbers are consecutive

(2) the lots on the south side of the street do not have the same numbers.



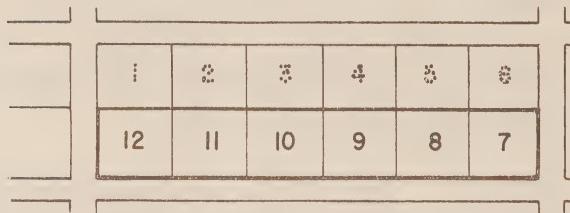
But what would it mean in the second diagram? Either lots 6, 8, 10 and 12, or the lots on both sides of the street.

Continued.....

SECTION 5 (1) (a) requires every lot to be mentioned, e.g. -

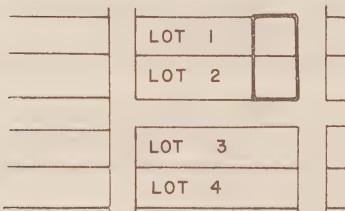
"LOTS 6, 7, 8, 9, 10, 11 and 12, ACCORDING TO PLAN"

EVERY INSTRUMENT AFFECTING LAND, INCLUDED IN SUCH A PLAN SHALL DESCRIBE THE LAND BY REFERENCE TO A LOT, PARCEL OR BLOCK AS DESIGNATED BY THE PLAN AND SHALL INCLUDE THE REGISTRATION NUMBER OF THE PLAN.



REGISTERED PLAN
No. 525

Being composed of all of Lots 7, 8, 9, 10, 11 and 12, according to Plan 525 registered in the Registry Office for



REGISTRAR'S
COMPILED PLAN
No. 900

Being composed of parts of Lots 1 and 2, according to Registrar's Compiled Plan 900, registered etc.



JUDGE'S PLAN
No. 700

Being composed of parts of Lots 4, 5 and 6, according to Judge's Plan 700, registered etc.

LOT AND PLAN NUMBERS - EXPROPRIATION PLANS

Section 5-(1) (a) (iii)

5-(1) A description of land in an instrument, other than a plan, tendered for registration,

(a) shall mention every lot affected by the instrument and shall,

(iii) WHERE THE LAND IS A DESIGNATED PART ON AN EXPROPRIATION PLAN, OR IS A PORTION OF SUCH A PART, ALSO MENTION THE NUMBER OF THE PART AND THE REGISTRATION NUMBER OF THE EXPROPRIATION PLAN.

1 REG'D	2	3 PLAN	4	5 850
		PART 1	PART 2	

EXPROPRIATION PLAN
No. 1250

Being composed of parts of Lots 2 and 3, according to plan 850, registered in the Registry Office for the Registry Division of , and designated as PARTS 1 and 2 on Expropriation Plan 1250, registered in the said Registry Office.

It must be noted that in the description above, reference is made to the lot numbers and registered plan number, together with the part numbers and the expropriation plan number.

METES AND BOUNDS

Section 5-(1)(b)
Section 5-(1)(c)

5-(1) A description of land in an instrument, other than a plan, tendered for registration.

(b) EXCEPT FOR AN INSTRUMENT REFERRED TO IN SECTION 7 (Reference Plans) SHALL BE IN WRITING;

(c) EXCEPT AS PROVIDED BY SECTION 6 or 7, AND SUBJECT TO SECTION 8, SHALL BE BY METES AND BOUNDS AND,

see also Section 5-(2)(a,b) pages 39 & 40.

METES AND BOUNDS

The description of a piece of land from point to point.

The word "METES" is from Latin "META" meaning a point or goal and the word "BOUND" means a line between the two points.

A written description of this type commences at a known point, referred to as the "point of commencement", then extends from point to point around the property described until it terminates at the point of commencement.

The phrase "place of beginning" is sometimes used instead of "point of commencement".

Section 6, See notes on Section 6 below (page 44 et seq.)

Section 7, See O/REG. 179/68 and Procedural Guide No. 2

Section 8, See notes on page 54.

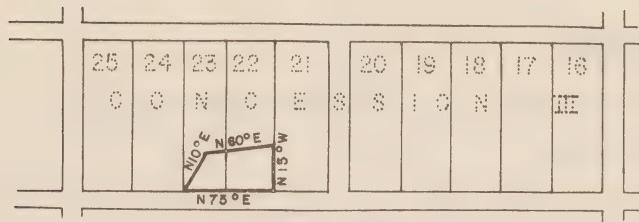
ORIGIN OF BEARING

Section 5-(1) (c) (i)

5-(1) A description of land in an instrument, other than a plan, tendered for registration,

(c) except as provided by Section 6 or 7, and subject to Section 8, shall be by METES AND BOUNDS and,

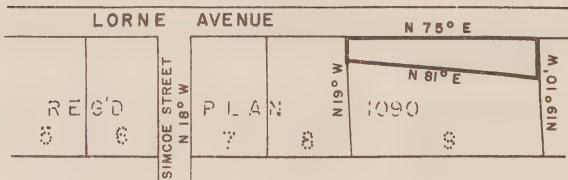
(i) WHERE BEARINGS IN DEGREES ARE INCLUDED IN THE DESCRIPTION, THE ORIGIN OF THE BEARINGS SHALL BE STATED IN THE DESCRIPTION,



ORIGIN OF BEARINGS

Premising that all bearings herein are astronomic and are referred to the meridian through the South-West corner of Lot 25, Concession III Township of Large.

Continued.....



ORIGIN OF BEARINGS

Premising that all bearings herein are referred to the East limit of Lot 8 being N 19°W, as shown on plan 1090, registered.....

BEARING REFERENCES CAN BE OBTAINED FROM

1. Plans of Survey previously deposited or registered in the Registry or Land Titles Offices, if the bearings are not magnetic or assumed.
2. Most recently registered or deposited instruments, describing the same land.

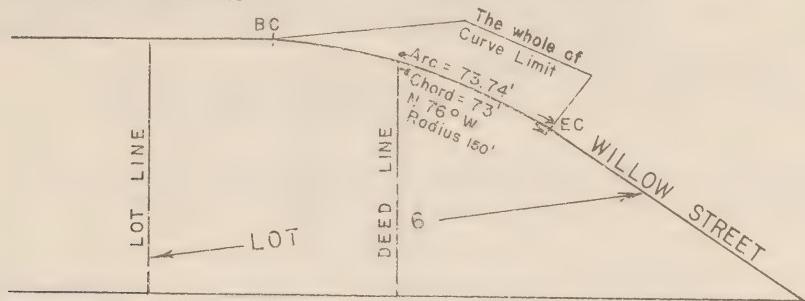
CURVED BOUNDARIES

Section 5-(1) (c) (ii)

5-(1) A description of land in an instrument, other than a plan, tendered for registration,

(c) except as provided by Section 6 or 7, and subject to Section 8, shall be by METES AND BOUNDS and,

(ii) WHERE THE DESCRIPTION INCLUDES A COURSE ALONG A CURVED BOUNDARY, THE ARC LENGTH, RADIUS AND CHORD LENGTH AND CHORD BEARING SHALL BE INCLUDED IN THE DESCRIPTION.



THENCE SOUTH-EASTERLY on a curve to the right, having a radius of 150 feet, an arc distance of 73.74 feet, (the chord equivalent being 73 feet measured South 76 degrees East) to.....

THE ABOVE DESCRIBED COURSE IS NOT THE WHOLE OF A LIMIT OF A LOT ACCORDING TO A REGISTERED PLAN.

See Section 5-(3) page 42.

A curve to the right will curve in a clockwise direction and a curve to the left will curve in a counter clockwise direction.

The arc of a curve to the right will always be to the left of a chord, when facing in the direction of the chord and vice versa.

THE CURVE DATA REQUIRED IN A METES AND BOUNDS DESCRIPTION THAT INCLUDES THE WHOLE OF A CURVED LOT LIMIT ACCORDING TO A REGISTERED PLAN SHOULD NOT BE EXPECTED.

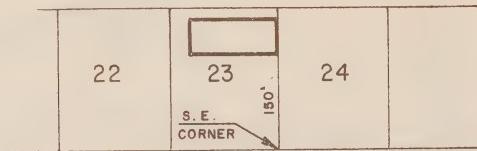
TIE TO LOT CORNER

Section 5-(1) (c) (iii)

5-(1) A description of land in an instrument, other than a plan, tendered for registration,

(c) except as provided by Section 6 or 7, and subject to Section 8, shall be by METES AND BOUNDS and,

(iii) WHERE THE DESCRIPTION IS OF PART OF A LOT, THE DESCRIPTION SHALL REFER TO AT LEAST ONE OF THE CORNERS OF THE LOT, AND SHALL GIVE THE DISTANCE FROM THAT CORNER TO AN ANGLE OF THE PART BEING DESCRIBED,



.....commencing at a point in the Eastern limit of Lot 23, distant 150 feet measured Northerly therealong from the South-East corner of said Lot.

Instead of requiring a tie distance from a lot corner of a registered plan (based on survey) to an angle of the parcel being described, often an acceptable tie could be made to a street intersection or an intersection of a lot line with a Highway (shown on a plan of survey, registered or deposited in the Registry or Land Titles offices).

Similarly, in describing part of a township lot, a tie to an intersection of a lot line with a highway (shown on a plan of survey, registered or deposited in the Registry or Land Titles offices), is adequate if the plan itself is tied to a corner of the township lot.

Also, a tie to a corner of a lot shown on a registered plan (based on survey) of a part of a township lot is adequate, if the plan itself is tied to the township lot corner. Further, ties to lot corners formed by the intersections of the side lines with the high water mark are not dependable due to flooding, erosion and accretion, and should not be used for lot corner ties.

ABBREVIATIONS ETC.

Section 5-(1) (c) (iv)
 Section 5-(1) (c) (v)
 Section 5-(4)
 Section 5-(5)

5-(1) A description of land in an instrument, other than a plan, tendered for registration,

(c) except as provided by Section 6 or 7, and subject to Section 8, shall be by METES AND BOUNDS and,

→ (iv) EXCEPT AS PROVIDED IN SUBSECTION 4, SHALL NOT SUBSTITUTE CONTRACTIONS OR ABBREVIATIONS FOR WORDS, AND

→ (v) SHALL NOT SUBSTITUTE SYMBOLS FOR "FOOT", "FEET", "INCH", "INCHES" OR OTHER LINEAR MEASUREMENT;

→ 5-(4) SUBCLAUSE iv of CLAUSE c of SUBSECTION 1 DOES NOT PROHIBIT THE SUBSTITUTION OF "N" FOR "NORTH", "E" FOR "EAST", "S" FOR "SOUTH" OR "W" FOR "WEST" WITH RESPECT TO BEARINGS IN DEGREES.

→ 5-(5) SUBCLAUSE v of CLAUSE c OF SUBSECTION 1 DOES NOT PROHIBIT THE SUBSTITUTION OF SYMBOLS FOR THE WORDS "DEGREES", "MINUTES" AND "SECONDS" WITH RESPECT TO BEARINGS.

Continued.....

Section 5-(1)(c)(iv)
 Section 5-(1)(c)(v)
 Section 5-(4)
 Section 5-(5)

NOT THIS

Comm. at a pt. in the division line b'tn the N.W. $\frac{1}{2}$ and the S.E. $\frac{1}{2}$ of Lot 4 distant 240'5" meas.
 N 44° 47'30" E along the div. line from a pt. in the S.W.'ly limit of Lot 4, distant 2227'4" meas.
 N 44° 13'30" W along the S.W.'ly limit from the S'ly corner of Lot 4.

BUT THIS

Commencing at a point in the division line between the North-West half and the South-East half of Lot 4, distant 240 feet and 5 inches measured N 44° 47'30" E along the division line from a point in the South-Western limit of Lot 4, distant 2227 feet 4 inches measured N 44° 13'30" W along the South-Western limit from the Southerly corner of Lot 4.

BEARINGS - ALTERNATIVES

NORTH	45 degrees	40 minutes	30 seconds	WEST
NORTH	45°	40'	30"	WEST
N	45°	40'	30"	W

LINEAR MEASUREMENTNOT THIS

1'1"
 50'5"
 165' (10 RDS)
 66' (100 LKS)

BUT THIS

1 foot	1 inch
50 feet	5 inches
165 feet	(10 RODS)
66 feet	(100 LINKS)

Section 5-(1)(c)(iv)
 Section 5-(1)(c)(v)
 Section 5-(4)
 Section 5-(5)

NO "EXCEPTIONS"

Section 5-(1) (d) (i)

5-(1) A description of land in an instrument, other than a plan, tendered for registration,

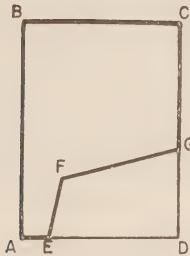
(d) SHALL NOT DESCRIBE LAND BY EXCEPTION UNLESS,

(i) THE SAME LAND HAS BEEN DESCRIBED BY EXCEPTION IN AN INSTRUMENT REGISTERED BEFORE THE 1st DAY OF JULY, 1964,

An instrument tendered for registration could describe land by exception if

The same land had been described by exception in an instrument, registered prior to the 1st day of July, 1964

(DIAGRAM 1 - EXAMPLE 1:)



A-B-C-D represents an original grant from the Crown
or
represents a lot, as shown on a registered plan

D-E-F-G may be described by METES AND BOUNDS, as an exception

DIAGRAM 1

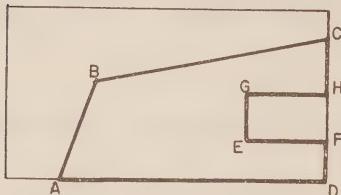
Being composed of all of the North-West Quarter of Section 13, in the Township of Fenwick, in the District of Algoma, SAVING AND EXCEPTING therefrom that portion of said North-West quarter of Section 13, which is described as follows:

Continued.....

(DIAGRAM 1 - EXAMPLE 2:)

Being composed of all of Lot 12, on the West side of Joseph Street, according to Plan 590, registered in the Registry Office for the Registry Division of the County of Carleton, SAVING AND EXCEPTING therefrom that portion of said Lot 12, which is described as follows:

(DIAGRAM 2:)



A-B-C-D represents an Area of land, described by METES AND BOUNDS

F-E-G-H may be described by METES AND BOUNDS, as an exception.

DIAGRAM 2

NOTE: ASIDE FROM THE EXCEPTION(S) REGISTERED PRIOR TO 1 JULY, 1964, AS NOTED ABOVE, THE DESCRIPTION MUST CONFORM WITH THE REGULATIONS.

SURROUNDED "EXCEPTION"

Section 5-(1) (d) (ii)

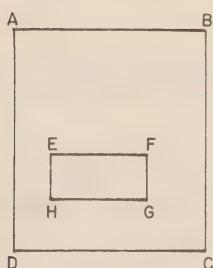
5-(1) A description of land in an instrument, other than a plan, tendered for registration,

(d) shall not describe land by exception unless,

(ii) THE LAND EXCEPTED IS SURROUNDED BY THE LAND DESCRIBED IN THE INSTRUMENT.

An instrument tendered for registration could describe land by exception providing that

THE LAND EXCEPTED IS SURROUNDED by the land described in the instrument to be registered.



(DIAGRAM 1)

A-B-C-D represents an original grant from the Crown

or

represents a lot as shown on a registered plan

E-F-G-H may be described by METES AND BOUNDS, as an exception.

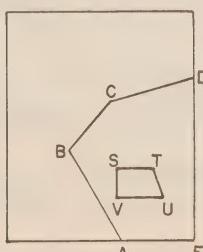
DIAGRAM 1

(EXAMPLE 1:)

Being composed of all of Lot 8, Concession X, in the Township of North Monaghan, in the County of Peterborough, SAVING AND EXCEPTING therefrom that portion of said Lot 8 which is described as follows -

(EXAMPLE 2:)

Being composed of all of Lot 5, according to Plan 850, registered in the Registry Office for the Registry Division of the City of Toronto, SAVING AND EXCEPTING therefrom that portion of said Lot 5, which is described as follows -



(DIAGRAM 2)

A-B-C-D-E represents an area of land described by METES AND BOUNDS

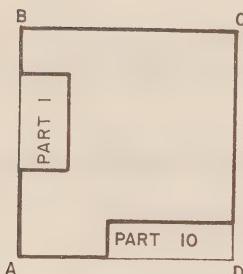
S-T-U-V may be described by "METES AND BOUNDS" as an exception.

EXCEPTED - "PARTS"**Section 5-(1) (d) (iii)**

5-(1) A description of land in an instrument, other than a plan, tendered for registration,

(d) shall not describe land by exception unless,

(iii) THE LAND EXCEPTED IS A DESIGNATED PART ON A REFERENCE PLAN OR EXPROPRIATION PLAN.



A-B-C-D represents an original grant from the Crown

or

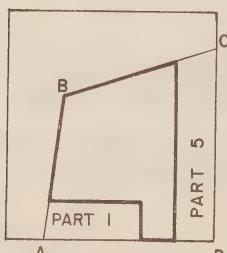
represents a lot as shown on a registered plan

PART 1 is a designated PART on an expropriation plan and may be "EXCEPTED"

PART 10 is a designated PART on a reference plan and may be "EXCEPTED"

Being composed of all of Lot 21, Concession IX, in the Township of Turnberry, in the County of Huron, SAVING AND EXCEPTING therefrom:

- (1) that portion of said Lot 21, designated as PART 1 on Expropriation Plan registered as No. 960 in the Registry Office for the Registry Division of the County of Huron, and
- (2) that portion of said Lot 21, designated as PART 10 on a reference plan, deposited in the Registry Office for the Registry Division of the County of Huron, as Plan ...R.. -



A-B-C-D represents an Area of land described by METES AND BOUNDS

PART 1 is a designated PART on an expropriation plan and may be "EXCEPTED"

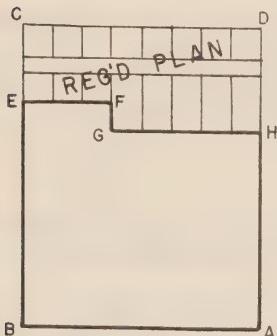
PART 5 is a designated PART on a reference plan and may be "EXCEPTED"

EXCEPTED - "REGISTERED PLAN"**Section 5-(1) (d) (iv)**

5-(1) A description of land in an instrument, other than a plan, tendered for registration,

(d) shall not describe land by exception unless,

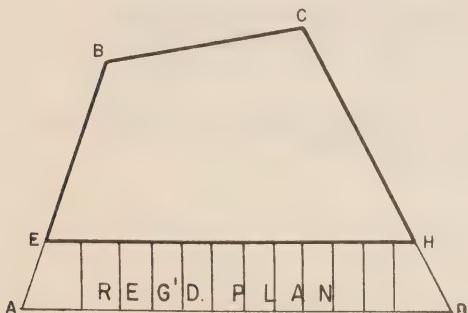
(iv) THE LAND EXCEPTED IS THE WHOLE OF THE LAND SHOWN ON A REGISTERED PLAN



A-B-C-D represents an original grant from the Crown

C-D-H-G-F-E represents the whole of land as shown on a registered plan and may be "EXCEPTED"

Being composed of all of Lot 5, Concession IX in the Township of Large, in the County of Bigger, SAVING AND EXCEPTING therefrom that portion of said Lot 5, being all of the land shown on a Plan, registered in the Registry Office for the Registry Division of the County of Bigger, as No.....



A-B-C-D represents an area of land described by METES AND BOUNDS

A-E-H-D represents the whole of the land as shown on a registered plan and may be "EXCEPTED"

REGISTERED PLAN includes -

- PLAN OF SUBDIVISION
- JUDGE'S PLAN
- MUNICIPAL PLAN
- REGISTRAR'S COMPILED PLAN

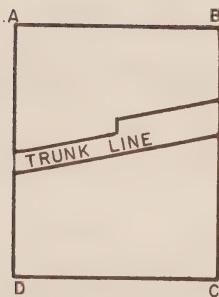
EXCEPTIONS - RAILWAYS, STREETS ETC.**Section 5-(1) (d) (v)**

5-(1) A description of land in an instrument, other than a plan, tendered for registration,

- (d) shall not describe land by exception unless,
- (v) THE LAND EXCEPTED IS THE LINE OF RAILWAY OR RIGHT-OF-WAY OF A RAILWAY COMPANY, OR IS A PUBLIC STREET, ROAD OR HIGHWAY THAT WAS LAID OUT BY AN ORIGINAL SURVEY OR SHOWN ON A REGISTERED PLAN.

This sub-clause deals with a) Line of railway or right-of-way of a railway company

- b) Public street, road or highway that was laid out by an original survey or shown on a registered plan



A-B-C-D represents an original Grant from the Crown or could represent an area of land described by METES AND BOUNDS,

the right-of-way of The Trunk Line Railway Company may be "EXCEPTED".

DIAGRAM 1

Continued.....

(DIAGRAM 1, page 30)

Excepting therefrom that portion of the right-of-way of
The Trunk Line Railway Company, lying within the limits
of the above described lands and shown on a Railway Plan,
registered as No..... in the Registry Office for the
Registry Division etc.

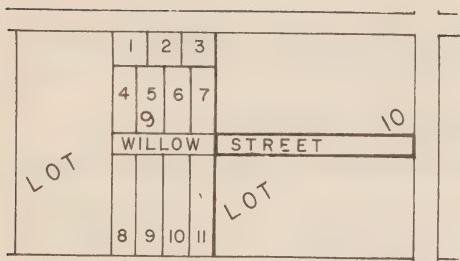


DIAGRAM 2

Lots 9 and 10 are
Township Lots (DIAGRAM 2)

The East half of Lot
9 was subdivided by
Registered Plan 500

Part of Willow Street
lying within Lot 10,
was also part of
Registered Plan 500

Excepting therefrom that portion of Willow Street, lying within the limits of the above described lands and shown on Registered Plan 500, registered in the Registry Office etc.

REFERENCE TO INSTRUMENT NUMBERS

Section 5-(1) (e)

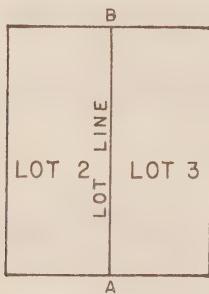
5-(1) A description of land in an instrument, other than a plan, tendered for registration,

- (e) SUBJECT TO SUBSECTION 6 AND SECTION 8, SHALL NOT DESCRIBE ANY BOUNDARY OF THE LAND AFFECTED BY THE INSTRUMENT SOLELY BY REFERENCE TO THE REGISTRATION NUMBER OF A REGISTERED INSTRUMENT OR BE DEPENDENT UPON ANOTHER INSTRUMENT, UNLESS THE REGISTERED INSTRUMENT IS A REGISTERED PLAN.

PROHIBITED

THENCE NORTHERLY along the Eastern limit of the said lot to the Southern limit of the land described in instrument number 67754

THENCE WESTERLY along the Southern limit of the lands described in said instrument number 67754 etc.



The line A-B is a common boundary between lots 2 and 3 as shown on a registered plan.

The line A-B need not be described by a given bearing and/or distance, but may be described solely by reference to the limit, as shown on a registered plan.

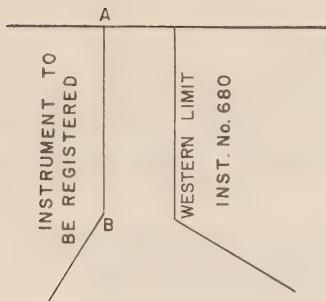
The line A-B is a common boundary between an instrument tendered for registration and a registered instrument.

The Line A-B must be described in accordance with this regulation and NOT by reference to the registration number of a registered instrument.

PROHIBITED

THENCE along the Western limit of the land as described in instrument number 560 etc.

Continued.....



The line A-B is a boundary of the land described in an instrument tendered for registration.

The line A-B is parallel to the Western limit of the land as described in instrument number 680.

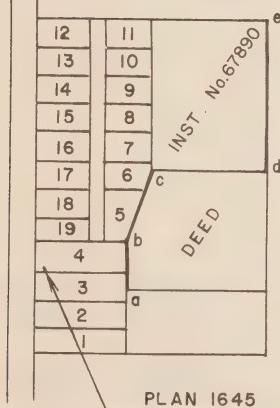
PROHIBITED

THENCE NORTHERLY and parallel to the Western limit of the land described in instrument number 680 etc.

NOTE - The line A-B now becomes dependent upon another instrument, which is not a registered plan.

PERMITTED (Line a, b, c)

THENCE NORTHERLY along



- 1) the Eastern limit of Plan 1645
or
- 2) the Eastern limit of Lots 3, 4, 5 and 6 according to Plan 1645

PERMITTED (Line e-d)

THENCE NORTHERLY in a straight line (being also along the Eastern boundary of the land described in instrument number 67890) a distance of to a point in the Northern limit of said lot..... etc.

FEET, FOOT, INCHES AND DECIMALS**Section 5-(1) (f)**

5-(1) A description of land in an instrument, other than a plan, tendered for registration,

(f) SHALL NOT DEFINE DISTANCES BY MEASUREMENTS OTHER THAN FEET AND DECIMALS OF A FOOT OR FEET AND INCHES; AND

IN ADDITION

Where previous measurements in chains, links, rods, etc., are converted to feet and inches or feet and decimals of a foot, both measurements should be given with the previous measurements bracketed.

e.g. - THENCE NORTHERLY ALONG THE EAST LIMIT OF THE SAID LOT, A DISTANCE OF 165 FEET (10 rods) TO THE etc.

GEOGRAPHIC TOWNSHIP

Section 5-(1) (g) (i)

5-(1) A description of land in an instrument, other than a plan, tendered for registration

(g) SHALL INCLUDE,

- (i) THE NAME OF THE GEOGRAPHIC TOWNSHIP, IF ANY, IN WHICH THE LAND WAS SITUATE AT THE TIME OF THE ORIGINAL SURVEY OR A SUBSEQUENT SURVEY MADE UNDER COMPETENT AUTHORITY AS DEFINED IN THE SURVEYS ACT

EXCEPT

WHERE THE LAND IS WITHIN A REGISTERED PLAN OF SUBDIVISION, MUNICIPAL PLAN, COMPILED PLAN OR JUDGE'S PLAN,

"Competent Authority" - Means any governmental authority in
(Surveys Act) existence before or after the creation of the Province of Ontario under whose instructions Crown land in Ontario has been or may be surveyed,

OR

the owner of a tract of land which was not included in the township at the time the tract was granted by the Crown under whose instructions the first survey of the boundaries or interior of the tract has been made.

"Original Survey" - Means an original survey as defined by
(Registry Act) The Surveys Act.

"Original Survey" - Means a survey made under competent
(Surveys Act) authority

WHERE LAND AT THE TIME OF THE ORIGINAL SURVEY OR SUBSEQUENT SURVEY WAS WITHIN THE BOUNDARIES OF A TOWNSHIP, THE INSTRUMENT TENDERED FOR REGISTRATION SHALL MENTION THE NAME OF THAT GEOGRAPHIC TOWNSHIP, REGARDLESS OF ITS PRESENT GEOGRAPHIC DESIGNATION.

Continued.....

EXAMPLES: All that portion of PARK LOT "E" and that portion of PARK LOT "C" in the Town of Cobourg, formerly parts of Lots 15 and 16, Concession I, in the TOWNSHIP OF HAMILTON, in the County of Northumberland.

Lot 12, Concession I, west of Yonge Street, in the TOWNSHIP OF YORK, now in the Borough of North York, formerly in the Township of North York.

Lot 39, First Concession from the Bay, in the TOWNSHIP OF YORK, now in the City of Toronto, formerly in the Village of Swansea.

Lot 19, Concession 5, formerly in the TOWNSHIP OF CAISTOR, County of Lincoln, now in the Township of West Lincoln, in the Regional Municipality of Niagara.

MUNICIPALITY

Section 5-(1) (g) (ii)
Section 5-(1) (g) (iii)

5-(1) A description of land in an instrument, other than a plan, tendered for registration,

(g) shall include,

- (ii) THE NAME OF THE MUNICIPALITY AND OF THE COUNTY, DISTRICT OR REGIONAL MUNICIPALITY IN WHICH THE LAND WAS INCLUDED AT THE TIME OF EXECUTION OF THE INSTRUMENT, AND
- (iii) WHERE THE LAND WAS DESCRIBED IN THE LAST PREVIOUSLY REGISTERED DEED OR CONVEYANCE AS BEING INCLUDED IN A MUNICIPALITY OTHER THAN THE MUNICIPALITY REFERRED TO IN SUB-CLAUSE ii, THE NAME OF THE OTHER MUNICIPALITY.

MUNICIPALITY means - A body corporate and politic, incorporated and functioning under the powers, terms and conditions set out in The Municipal Act for the purpose of providing a local government.

It has power to pass by-laws, within the powers delegated to it by statute of the provincial legislature, which govern those persons within its boundaries.

Municipalities are incorporated as Improvement Districts, Townships, Villages, Towns, Cities, Counties and Metropolitan and Regional Municipalities.

Continued.....

Section 5-(1)(g)(ii)
Section 5-(1)(g)(iii)

For the purpose of
subclause ii

In the T O W N S H I P O F R O C H E S T E R
in the County of Essex.

In the T O W N O F W H I T B Y in the County
of Ontario.

In the T O W N S H I P O F W E S T L I N C O L N
in the Regional Municipality of Niagara.

For the purpose of
subclause iii

In the T O W N O F T I L L S O N B U R G
in the County of Oxford, formerly in the
T O W N S H I P O F M I D D L E T O N
in the County of Norfolk.

In the C I T Y O F T O R O N T O, in the
County of York, formerly in the V I L L A G E
O F S W A N S E A, in the County of York.

In the C I T Y O F N I A G A R A F A L L S,
in the Regional Municipality of Niagara,
formerly in the T O W N S H I P O F
W I L L O U G H B Y in the County of Welland.

DESCRIBED LINE
(part of lot)

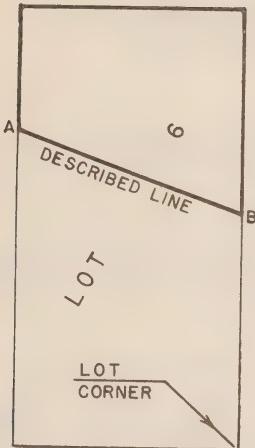
Section 5-(2)(a)

5-(2) FOR THE PURPOSES OF CLAUSE C OF SUBSECTION 1

- (a) A DESCRIPTION OF A PART OF A LOT LYING TO ONE SIDE OF A DESCRIBED LINE,

SHALL, IF IT OTHERWISE COMPLIES WITH THIS REGULATION, BE DEEMED TO BE A METES AND BOUNDS DESCRIPTION.

"LOT" means - a lot or any other area of land defined and designated by an original survey or by a registered plan, but in the case of an expropriation plan, does not include such an area unless it is designated on the plan as a PART. O/REG.139/67 Sec.1(f).



A description (in this instance) lying to the north of a described line could qualify as "METES AND BOUNDS", provided that,

1. The area described is part of a lot as defined in Sec.1(f) of O/REG.139/67.
2. The line A-B is described in accordance with this Regulation.
3. The line is tied to a lot corner of the lot of which the described area is a part.
4. The described line forms a limit of the area so described.

NOTE: A described line could be of the following:

- (1) one straight line
- (2) a series of straight lines
- (3) a curved line; or
- (4) a combination of the above.

See pages 57 & 58.

DESCRIBED LINE
(strip)

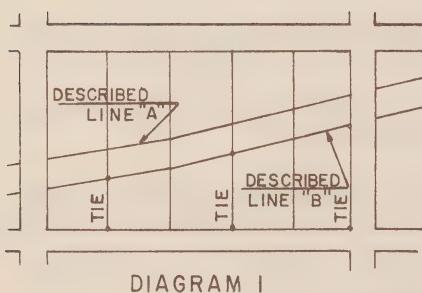
Section 5-(2) (b)

5-(2) For the purposes of clause c of subsection 1,

- (b) A DESCRIPTION OF A STRIP OF LAND OF UNIFORM WIDTH BY REFERENCE TO A DESCRIBED LINE THAT IS EITHER ONE OF THE SIDE LINES OR BETWEEN AND PARALLEL TO THE SIDE LINES OF THE STRIP, WHERE THERE IS ATTACHED TO THE INSTRUMENT IN WHICH THE STRIP IS SO DESCRIBED A PLAN OF SURVEY, OR A PRINT THEREOF, SHOWING THE SIDE LINES, WITH DISTANCES BETWEEN THEIR POINTS OF INTERSECTION WITH LOT LIMITS AND THE NEAREST LOT ANGLES, IN EACH INSTANCE,

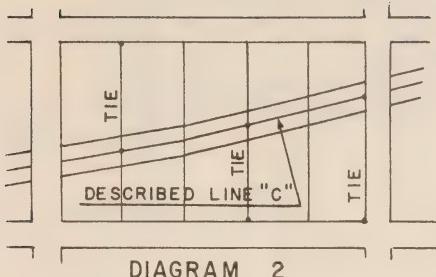
SHALL, IF IT OTHERWISE COMPLIES WITH THIS REGULATION, BE DEEMED TO BE A METES AND BOUNDS DESCRIPTION.

An instrument presented for registration could describe a strip of land by reference to a described line PROVIDED THAT,



1. The strip of land is of a uniform width throughout.
2. The described line is either one of the side lines of the strip (see diagram 1, line "A" or line "B") or the described line is between and parallel to the side lines (but not necessarily the centre line) of the strip so described. (see diagram 2, line "C" next page.)
3. A plan of survey (original or print thereof) is attached to the instrument.

Continued.....



4. The plan must comply with Sections 9 to 36 both inclusive and Section 94 of O/REG.139/67, as amended, and must show the distances and bearings along the described line between the lot limits and must also show the distance to the nearest lot corner in each instance. See also O/REG. 139/67 S.13-(3).

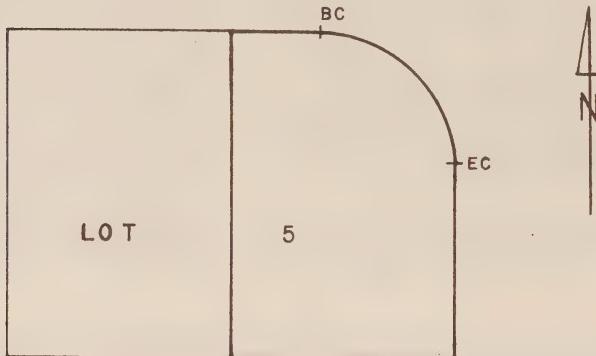
Being a strip of land 50 feet in perpendicular width, "bounded on the East by the eastern limit of Lot..... and on the West by the western limit of Lot.....", lying between two lines drawn parallel to, on opposite sides of and distant 30 feet measured northerly and perpendicularly, and 20 feet measured southerly and perpendicularly, respectively, from a line, and line produced, described as follows.....

NOTE: If the strip is not extended from lot line to lot line, describe the ends of the strip by substituting for the words in quotes above "bounded etc....."

CURVED BOUNDARIES**Section 5-(3)**

- 5-(3) SUB-CLAUSE ii OF CLAUSE c OF SUB-SECTION 1 DOES NOT APPLY WHERE THE COURSE DESCRIBED IS THE WHOLE OF A LIMIT OF A LOT ACCORDING TO A REGISTERED PLAN.

See Section 5-(1)(c)(ii) page 21.



1. Lot 5 is a Lot shown on a registered plan.
2. The land described in the instrument to be presented for registration contains a description of part of a lot, and the description includes a course along a curved boundary which is the whole of a limit of a lot as shown on a Registered Plan.

THENCE SOUTH-EASTERLY along a limit of the said Lot on a curve to the right to the Eastern limit of said Lot 5.

Section 5-(4)
SEE SECTION 5-(1)(c)(iv)
Page 23

Section 5-(5)
SEE SECTION 5-(1)(c)(v)
Page 23

Section 5-(3)
Section 5-(4)
Section 5-(5)

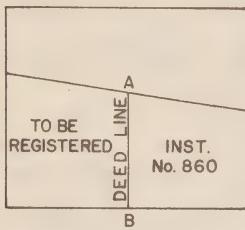
REGISTERED INSTRUMENT

Section 5-(6)

5-(6) CLAUSE e OF SUBSECTION 1 DOES NOT PROHIBIT THE INCLUSION IN A DESCRIPTION IN AN INSTRUMENT OF A REFERENCE TO THE REGISTRATION NUMBER OF A REGISTERED INSTRUMENT IF THE DESCRIPTION OTHERWISE COMPLIES WITH THIS REGULATION.

An instrument tendered for registration may refer to a registration number of an instrument provided that -

The description complies with this Regulation and no limit or boundary is dependent on an instrument previously registered.



1. Line A-B is a common boundary between an instrument tendered for registration and an instrument previously registered.
2. If the line A-B was described in accordance with this Regulation, a reference could be made to the registration number 860.

THENCE NORTHERLY in a line parallel to the Eastern limit of said Lot, (said parallel line being also the Western limit of the lands described in instrument number 860) a distance of 25 feet to a point in

NOTE

For abstracting and searching purposes:

Where a new description of the whole of a parcel previously conveyed is drawn to comply with The Regulation, a reference to the registration number of the last previously registered deed should be added to the end of the new description.

However, this is not specifically required in The Regulation.

See also Section 5-(1)(e)
pages 32 & 33.

ALL OF LOT-ORIGINAL SURVEY

Section 6-(a)

6- WHERE AN INSTRUMENT, OTHER THAN A PLAN, TENDERED FOR REGISTRATION AFFECTS,

- (a) THE WHOLE OF A LOT ACCORDING TO AN ORIGINAL SURVEY, THE DESCRIPTION IN THE INSTRUMENT SHALL BE OF THE LOT AND THE CONCESSION, TRACT, RANGE, SECTION OR OTHER DESIGNATION IN ACCORDANCE WITH THE ORIGINAL GRANT FROM THE CROWN.

NOTE

For the definition of "ORIGINAL SURVEY", see Section 5-(1)(a)(i) of this guide page 12.

Section 6 (a) deals with WHOLE LOTS according to an original survey, and the designation in the description in addition to the naming of the whole lot, shall be the same as in the original grant from the Crown.

BEING COMPOSED OF

ALL OF LOT 21, Concession IX in the Township of Turnberry, in the County of Huron.

ALL OF LOT 9, Concession III, in the Township of Freeman, in the District of Muskoka.

ALL OF THE NORTH WEST QUARTER of Section 13, in the Township of Fenwick, in the District of Algoma.

ALL OF A LOT-REGISTERED PLAN**Section 6-(b)**

6- Where an instrument, other than a plan, tendered for registration affects,

- (b) THE WHOLE OF A LOT ACCORDING TO A REGISTERED PLAN,
THE DESCRIPTION IN THE INSTRUMENT SHALL BE OF THE
LOT AND THE REGISTRATION NUMBER OF THE PLAN.

It must be noted that in the above mentioned clause reference is made to the words "REGISTERED PLAN", and is, in accordance with the definition as set out in Section 1, clause i, of the Regulation, a plan by which lots are created and which is registered under The Registry Act.

For guidance on this matter, see Section 5-(1)(a)(ii) of the Regulation (page 14).

BEING COMPOSED OF

A L L O F L O T 12, on the West side of Joseph Street,
according to Plan 23, registered etc.

A L L O F L O T 9, according to Registrar's Compiled
Plan 900, registered etc.

A L L O F L O T 10, according to Judge's Plan 700,
registered etc.

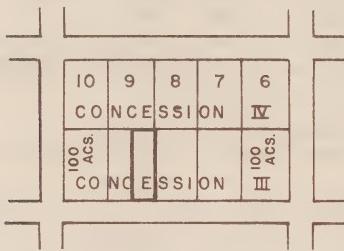
ALIQUOT PART - ORIGINAL SURVEY

Section 6-(c)

6- Where an instrument, other than a plan, tendered for registration affects,

(c) AN ALIQUOT PART OF A LOT ACCORDING TO AN ORIGINAL SURVEY, THE DESCRIPTION IN THE INSTRUMENT MAY BE OF THE ALIQUOT PART IF IT WAS SO DESCRIBED IN THE GRANT FROM THE CROWN

1000 Acre Sectional System with Double Fronts



This diagram illustrates a Section of a Sectional Township with double fronts

The Lots were allotted to settlers and the Crown Grants were generally made in whole Lots

In the original survey, the survey lines were in the centre of the road allowances, thereby creating Sections containing 1000 acres with Lots of 100 acres each.

Survey posts were planted at the front corners of all Lots.

The interior boundaries of the Section, being the division lines between lots, were not surveyed in the original survey, but the front corners abutting the road allowances were supposedly opposite one another, thereby creating whole Lots.

The E½ of Lot 9, Concession III is an Aliquot part of that Lot because it is a proportioned part of the whole of Lot 9.

Being composed of -

The East Half of Lot 9,
Concession III, in the
Township of

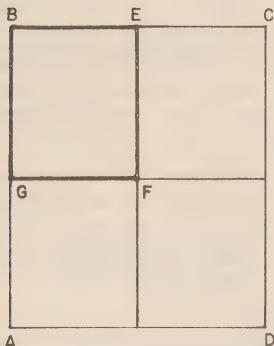
Continued

**ALIQUOT PART - ORIGINAL SURVEY
DESCRIBED IN A REGISTERED INSTRUMENT**

Section 6-(c)

6- Where an instrument, other than a plan, tendered for registration affects,

- (c) AN ALIQUOT PART OF A LOT ACCORDING TO AN ORIGINAL SURVEY,
THE DESCRIPTION IN THE INSTRUMENT MAY BE OF THE ALIQUOT
PART IF IT WAS SO DESCRIBED IN A REGISTERED INSTRUMENT.



A-B-C-D represents a lot,
according to an original
survey.

B-E-F-G represents an
aliquot part of lot 5,
being the N W $\frac{1}{2}$ of lot
5, or the W $\frac{1}{2}$ of the
N $\frac{1}{2}$ of lot 5.

The description of the instrument tendered for registration could be of the aliquot part B-E-F-G, if the same land was described as an aliquot part in an instrument previously registered.

An aliquot part of a lot according to an original survey is the aliquot part of the area of the lot or the aliquot part of the frontage or depth of the lot (as the case may be) whether the area of the aliquot part as so determined is more or less than that expressed in any Grant or instrument.

An aliquot part of a lot is not necessarily an aliquot part as described in a Grant from the Crown, but could be any aliquot part of that lot.

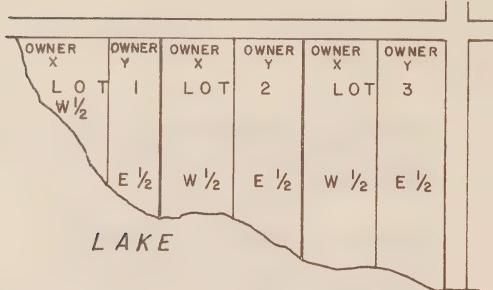
AN ALIQUOT PART IS AN INTEGRAL FRACTION - i.e.
common fraction with numerator 1
e.g. $1/2$, $1/3$, $1/4$, $1/5$, $1/6$.

ALIQUOT PART - ORIGINAL SURVEY
NO ADJACENT PART(S)

Section 6-(d)

- 6- Where an instrument, other than a plan, tendered for registration affects,

(d) AN ALIQUOT PART OF A LOT ACCORDING TO AN ORIGINAL SURVEY, WHERE NO ADJACENT PART OF THE LOT IS OWNED BY THE PERSON WHO OWNS THE ALIQUOT PART, THE DESCRIPTION IN THE INSTRUMENT MAY BE OF THE ALIQUOT PART.

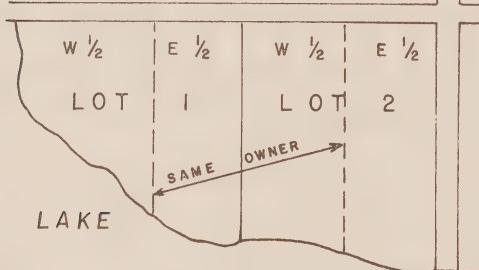


Lots 1, 2 and 3 are lots according to an original survey. All three lots were owned at one time by the same person.

Through the years the owner has sold the E $\frac{1}{2}$ of lot 1, the E $\frac{1}{2}$ of lot 2 and the E $\frac{1}{2}$ of lot 3.

If the owner wishes to convey the WEST halves of lots 1, 2 and 3, the description in the instrument presented for registration may be of the aliquot parts of lots 1, 2 and 3, because -

THE ADJACENT PARTS ARE NOT OWNED BY THE SAME PERSON.



Lots 1 and 2 are lots according to an original survey and owned at one time by the same person.

The W $\frac{1}{2}$ of lot 1 and the E $\frac{1}{2}$ of lot 2 have been sold.

IF THE OWNER WISHES TO CONVEY EITHER OR BOTH OF THE REMAINING ALIQUOT PARTS (i.e. half lots), HE MAY DESCRIBE THEM AS ALIQUOT PARTS.

(THE REMAINING ALIQUOT PARTS ARE OF DIFFERENT LOTS, EVEN THOUGH THEY ARE ADJACENT)

HALF OF A LOT-REGISTERED PLAN**Section 6-(e)**

- 6- Where an instrument, other than a plan, tendered for registration affects,
- (e) HALF OF A LOT ACCORDING TO A REGISTERED PLAN, THE DESCRIPTION IN THE INSTRUMENT MAY BE OF THAT HALF IF IT WAS SO DESCRIBED IN A REGISTERED INSTRUMENT.

An instrument tendered for registration may be of that half of the lot, if

1. THE LOT IS ACCORDING TO A REGISTERED PLAN
AND
2. THE LAND WAS DESCRIBED AS HALF A LOT, IN
A PREVIOUSLY REGISTERED INSTRUMENT.

The aliquot part of a parcel of land that is not an aliquot part of a township lot is the aliquot part of the area of the parcel of land whether the area of the aliquot part as so determined is more or less than that expressed in any grant or other instrument.

"PART" - EXPROPRIATION PLAN**Section 6-(f)**

6- Where an instrument, other than a plan, tendered for registration affects,

(f) LAND SHOWN AS A "PART" ON AN EXPROPRIATION PLAN, THE DESCRIPTION IN THE INSTRUMENT MAY BE OF THE "PART" WITH REFERENCE TO THE REGISTRATION NUMBER OF THE EXPROPRIATION PLAN.

The description of an instrument presented for registration could describe land by reference to a "PART" on an expropriation plan provided that -

1. It is described in accordance with Section 5-(1)(a).
2. Reference is made to the registration number of the expropriation plan and to the number of the "PART".

	LOT 8	LOT 9	LOT 10	
C O	N.		15	
PART 1	PART 2	PART 3		

Expropriation Plan
registered as
number 187546

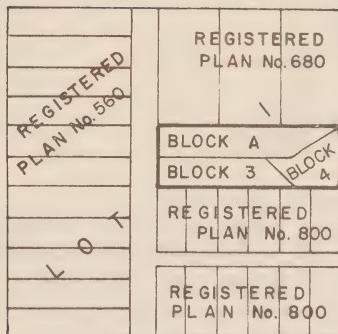
Being composed of parts of Lots 8, 9 and 10, Concession 15, in the Township of Puslinch, in the County of Wellington, and designated as PARTS 1, 2 and 3, on Expropriation Plan 187546, registered in the Registry Office for the Registry Division of the South and Centre Ridings of the County of Wellington.

SECTION 88-(I) OF THE REGISTRY ACT

Section 6-(g)

6- Where an instrument, other than a plan, tendered for registration affects,

- (g) A BLOCK RESULTING FROM A SUBDIVISION FOR ABSTRACT PURPOSES UNDER SECTION 88 OF THE ACT OR A PREDECESSOR OF THAT SECTION, THE DESCRIPTION IN THE INSTRUMENT SHALL REFER TO THAT BLOCK.



Lot 1 is an original lot, which is nearly all re-subdivided by registered plans.

The Area in heavy outline was the remainder of Lot 1, and was for abstract purposes subdivided into block, before the introduction of REGISTRAR'S COMPILED PLANS.
(SECTION 88-(1) of The Registry Act).

A DESCRIPTION OF THE WHOLE OR PART OF A BLOCK IN AN INSTRUMENT PRESENTED FOR REGISTRATION SHALL REFER TO THAT BLOCK AND SHALL ALSO REFER TO THE ORIGINAL DESIGNATION OF THE LOT OF WHICH IT IS PART.

Being composed of part of Lot 1, First Concession from the Bay, in the City of TORONTO, formerly in the Township of YORK and designated as ALL OF BLOCK 4, which is described as follows:-

(METES AND BOUNDS DESCRIPTION)

ROAD CLOSING

Section 6-(h)

- 6- Where an instrument, other than a plan, tendered for registration affects,
- (h) A PART OF A STREET OR HIGHWAY THAT HAS BEEN STOPPED UP OR CLOSED, THE DESCRIPTION IN THE INSTRUMENT SHALL ALSO REFER TO THE BY-LAW, OR OTHER INSTRUMENT, BY WHICH THE STREET OR HIGHWAY WAS STOPPED UP OR CLOSED AND TO THE REGISTRATION NUMBER OF THE BY-LAW OR OTHER INSTRUMENT.

FRONT STREET				
REG	ISTER	RED	PLAN	960
5	6	SIMCOE STREET	7	8
BARRIE STREET				

THE DESCRIPTION SHALL CONTAIN

- 1) A reference to the BY-LAW or OTHER INSTRUMENT by which the street or highway was stopped up or closed

and

- 2) The registration number of the BY-LAW or OTHER INSTRUMENT

EXAMPLE

That part of Simcoe Street, closed by BY-LAW 140-68, of the Corporation of the City of, passed May 12, 1967, registered in the Registry Office for the Registry Division of as No. 10670, lying between the Northern limit of Barrie Street and the Southern limit of Front Street as shown on Plan 960, registered in the said Registry Office.

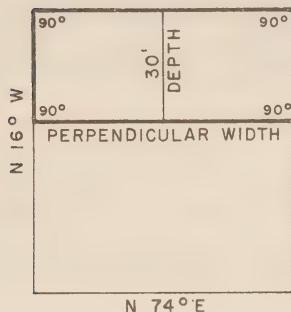
NOTE: Clause 6(h) applies to a part of a street or highway that has been stopped up or closed.

RECTANGULAR LOT

Section 6-(i)

6- Where an instrument, other than a plan, tendered for registration affects,

- (i) A RECTANGULAR PART OF A RECTANGULAR LOT, THE DESCRIPTION IN THE INSTRUMENT MAY BE OF THE PERPENDICULAR WIDTH OF THE PART EITHER THROUGHOUT OR TO A GIVEN PERPENDICULAR DEPTH.



The lot must be a RECTANGULAR LOT according to

- 1) an original survey
- 2) a registered plan

Where a parcel is comprised of a rectangular part or a rectangular lot, a description for example,

"The northerly 30 feet in perpendicular width throughout from front to rear of Lot 3, according to Plan 546 etc."

or

"that portion of Lot 3, according to Plan 546 etc. which lies North of a line drawn parallel to and distant 30 feet measured southerly and perpendicular from the Northern limit of said Lot 3."

or

"the northerly 30 feet in perpendicular depth of the easterly 60 feet perpendicular width of Lot"

is acceptable.

**REDUCED REQUIREMENTS
FOR CERTAIN INSTRUMENTS**

Section 8

ONTARIO REGULATION
139/67 AS AMENDED
SECTION 8

THE NAMED INSTRUMENTS MUST COMPLY
WITH SECTIONS 5 AND 6 EXCEPT AS
SPECIFICALLY PROVIDED IN EACH CASE.

PHRASEOLOGY - PORTION OF A LOT
BY EVEN WIDTH AND DEPTH

RECTANGULAR LOT

- 1) "The southerly 10 feet in perpendicular width".
- 2) "Which lies North of a line parallel to and perpendicularly distantfeet, measured ..(southerly)... from the ..(northern)... limit of said Lot".
- 3) "The ..(northerly) feet in perpendicular ..(depth). of the ..(easterly)...feet in perpendicular ..(width)... of Lot".

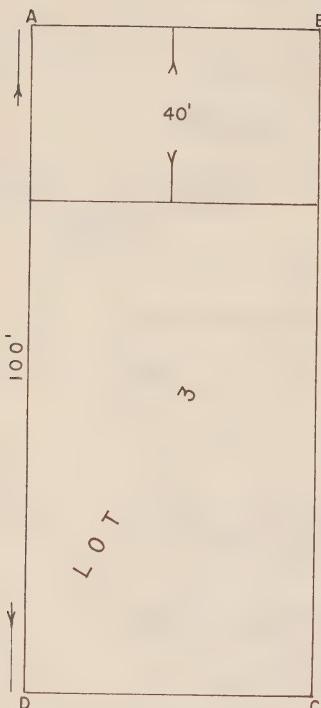
Point of Intersection - (Line of perpendicular width or depth with Lot line)

Commencing at a point in the ..(western)... limit of said Lot, where it is intersected by the ..(southerly)... limit of the ..(northerly).... feet in perpendicular width.

Continued

**EXAMPLE - PORTION OF A LOT
BY AN EVEN DEPTH**

A-B-C-D is a lot on a Registered Plan, and is rectangular.



The owner of the lot wishes to sell his land in 2 parts.

The descriptions are as follows:

- 1) "That part of Lot 3, which lies North of a line parallel to and perpendicularly distant 40 feet, measured southerly from the Northern limit of said Lot".
- 2) "That part of Lot 3, which lies South of a line parallel to and perpendicularly distant 40 feet, measured southerly from the Northern limit of said Lot".

DO NOT USE..... distant 60 feet, measured northerly from the Southern limitin describing the southerly part.

PHRASEOLOGY - PORTION OF A LOT
BY A DESCRIBED LINE

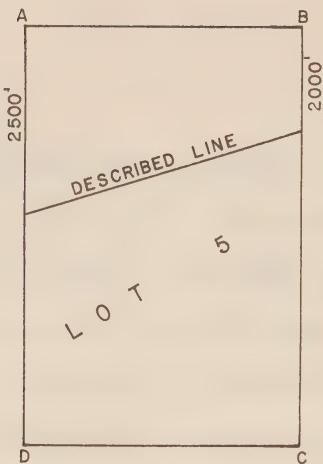
DESCRIBED LINE

"That part of said Lot.....lying to the.(north)...
of a straight line drawn from a point in the...(western).....
limit of Lot..... distant.....feet measured.(southerly)...
therealong from the..(north.west) corner of Lot.....to a
point in the .(eastern).. limit of the said Lot distant.....
feet measured.(southerly) therealong from the .(north east)...
corner of said Lot".

"That part of said Lot, lying to the (west).of a
line drawn on a course of(S.20° 00'W). from a point in the
(northern). limit of the said Lot, distant feet
measured .(westerly)...therealong from the .(north east)...
corner of Lot..... to a point in the(southern).....
limit of said Lot....., the aforesaid bearing being related
to the ..(northern) limit of the said Lot, which has a bearing
of (N.87° 00'W)..."

Continued.....

**EXAMPLE - PORTION OF A LOT
BY A DESCRIBED LINE**



A-B-C-D is a township lot -
rectangular or not rectangular
being irrelevant.

The owner of the lot wishes to
sell his land in 2 parts.

First Description

"That part of said Lot 5, lying North of a straight line drawn from a point in the Eastern limit of Lot 5, distant 2000 feet measured southerly therealong from the North East corner of said Lot, to a point in the Western limit of said Lot 5, distant 2500 feet measured southerly therealong from the North West corner of said lot".

Second Description

"That part of said Lot 5, lying South of a line etc."

In the second description d o n o t u s e the tie distances from the South East and South West corners of Lot 5 to the extreme points of the described line.

See also page 39

PHRASEOLOGY - CURVED BOUNDARIES

CURVED BOUNDARIES

(EXAMPLE 1:)

THENCE (south easterly) .. on a curve to the (right or left) ..
having a radius of feet, an arc distance of
feet (the chord equivalent being feet measured
..... (S 76° 00' E)) to

(EXAMPLE 2:)

..... to its intersection with a curved
line drawn concentrically with and distant feet
measured (southerly) and radially from the centre line
of construction of The King's Highway as shown onetc.

Do not use the terms "parallel" and "perpendicular"
in describing curves.

**EXAMPLE - A WRITTEN DESCRIPTION
WITHOUT BEARINGS**

A WRITTEN DESCRIPTION

See Diagram page 61

All and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Turnburry, in the County of Huron, in the Province of Ontario, and being composed of that part of Lot 5, Concession 12 described as follows:

COMMENCING at a point in the Northern limit of Lot 5 distant 500 feet measured westerly therealong, from the North East corner of said Lot,

THENCE WESTERLY continuing along the Northern limit of said Lot 5, a distance of 820 feet more or less to the division line between the East and West halves of Lot 5;

THENCE SOUTHERLY along the said division line, a distance of 6600 feet more or less to the Southern limit of Lot 5;

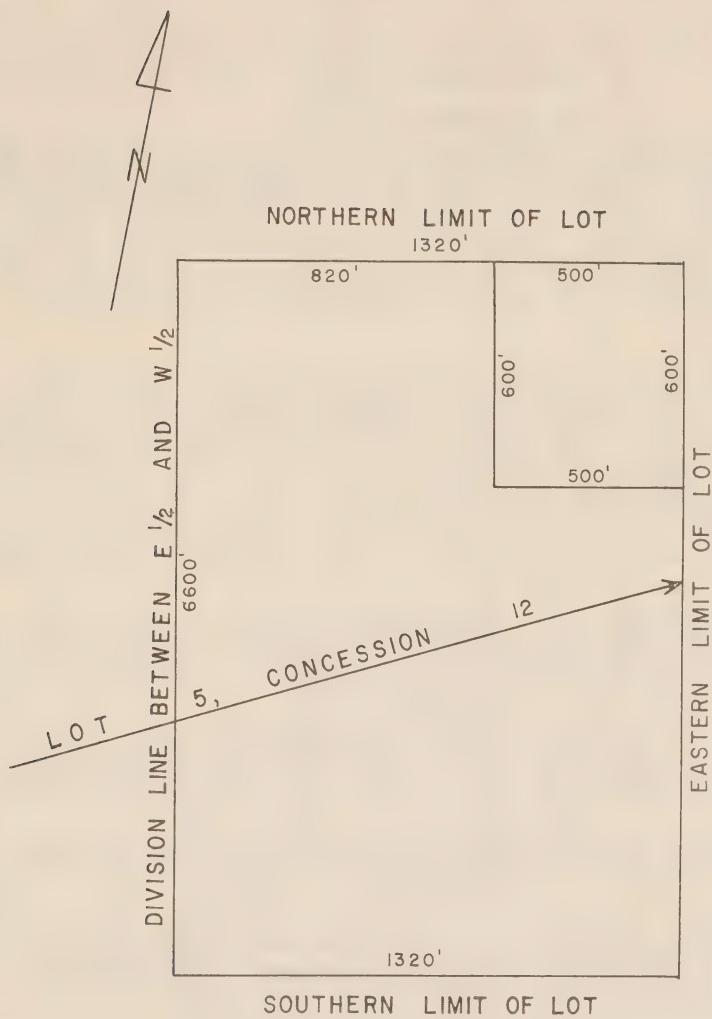
THENCE EASTERLY along the Southern limit of Lot 5, a distance of 1320 feet more or less to the South East corner of said Lot;

THENCE NORtherLY along the Eastern limit of Lot 5 to a point distant 600 feet measured southerly therealong from the North East corner of Lot 5;

THENCE WESTERLY and parallel to the Northern limit of Lot 5, a distance of 500 feet to a point;

THENCE NORtherLY and parallel to the Eastern limit of Lot 5, a distance of 600 feet more or less to the place of commencement.

Continued



EXAMPLE - A WRITTEN DESCRIPTION
WITH BEARINGS

A WRITTEN DESCRIPTION

see Diagram page 63

All and singular that certain parcel or tract of land and premises situate, lying and being in the Township of West Oxford, in the County of Oxford in the Province of Ontario and being composed of all of Lots 5, 7, and 8 and part of Lot 6, according to Plan 845, registered in the Registry Office for the Registry Division of the County of Oxford, described in one parcel as follows:

PREMISING that all bearings herein are referred to the Eastern limit of the road allowance between Lots 5 and 6, Concession 4 of The Township of West Oxford, being N 14° 00' 30" W as shown on a Reference Plan, deposited in the said Registry Office as Plan OXR - 205.

COMMENCING at the North East corner of Lot 8, Registered Plan 845,

THENCE S 14° 00" 30" E along the Eastern limit of said Lot 8, a distance of 100 feet more or less to the South East corner of Lot 8;

THENCE S 67° 51' 10" W along the Southern limits of Lots 8 and 7, a distance of 200 feet more or less to the Eastern limit of Lot 6;

THENCE S 14° 00' 30" E along the Eastern limit of said Lot 6, a distance of 95 feet to an iron bar;

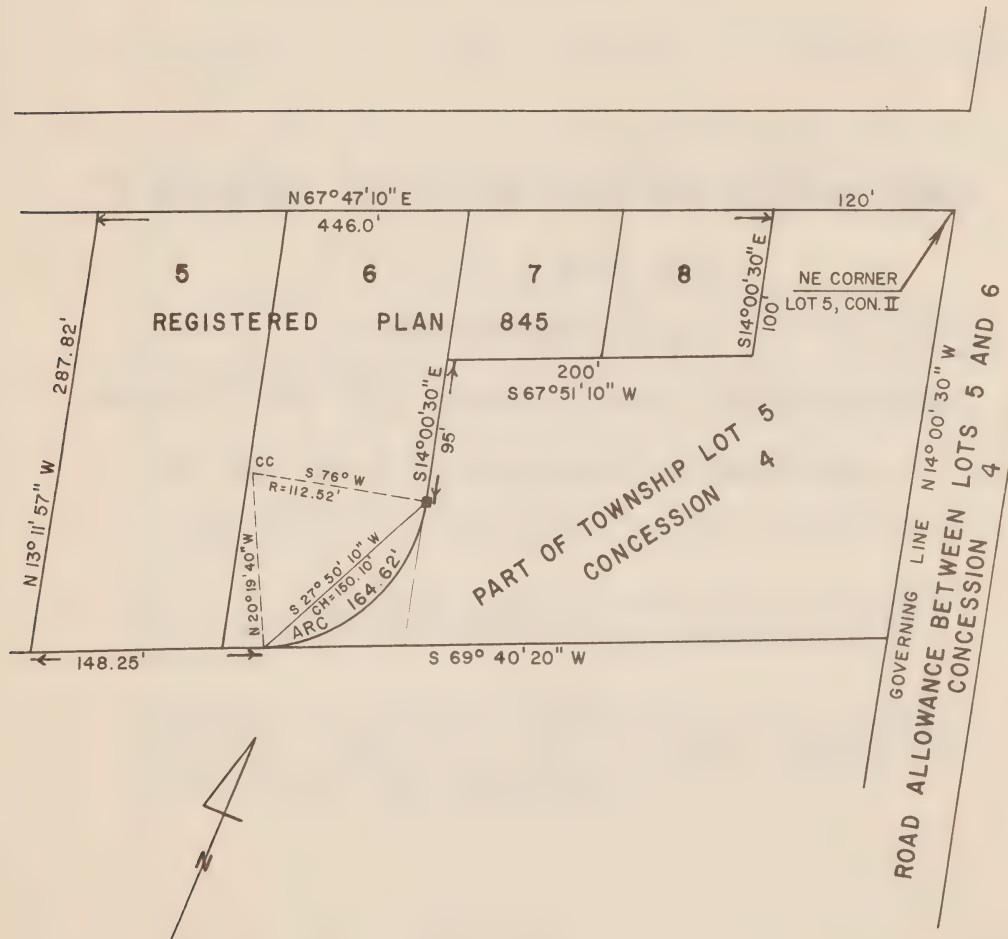
THENCE SOUTH WESTERLY on a curve to the right, having a radius of 112.52 feet, an arc distance of 164.62 feet (the chord equivalent being 150.10 feet measured S 27° 50' 10" W) to a point in the Southern limit of Lot 6;

THENCE S 69° 40' 20" W, along the Southern limits of Lots 6 and 5, a distance of 148.25 feet more or less to the South West corner of said Lot 5;

Continued

THENCE N 13° 11' 57" W, along the Western limit of Lot 5,
a distance of 287.82 feet more or less to the North West
corner of said Lot 5;

THENCE N 67° 47' 10" E, along the Northern limits of Lots 5, 6, 7 and 8, a distance of 446.00 feet more or less to the point of commencement.



ONTARIO REGULATION 139/67

(THE REGISTRY ACT)

AS AMENDED BY

O.REG. 243/67; O.REG. 179/68; AND O.REG. 109/70

SECTIONS 1, 1a, 2, 3, 4, 5, 6 AND 8

ONTARIO REGULATION 139/67

INTERPRETATION

1. In this Regulation,

- (a) "compiled plan" means a registrar's compiled plan under subsection 1a of section 88 of the Act.
- (b) "expropriating authority" means the Crown or any person empowered by statute to expropriate land;
- (c) "expropriation plan" means a plan under The Expropriations Act, 1968-69, or a predecessor thereof;
- (d) "hanging line" means an unclosed traverse in the form of a branch emanating from a main traverse or triangulation;
- (e) "judge's plan" means a judge's plan under section 94a of the Act;
- (f) "lot" means a lot or any other area of land defined and designated by an original survey or by a registered plan, but in the case of an expropriation plan does not include such an area unless it is designated on the plan as a PART;
- (g) "municipal plan" means a plan under section 93a of the Act;
- (h) "original survey" means an original survey as defined by The Surveys Act;
- (ha) "reference plan" means a plan of survey deposited under Part II of the Act in accordance with section 7 of this Regulation;
- (i) "registered plan" means an expropriation plan, a plan of subdivision, judge's plan, municipal plan, compiled plan or other plan by which lots are created and which is registered under The Registry Act;

Continued

ONTARIO REGULATION 139/67

- (j) "subdivision unit" means any area of land delineated by a survey and includes,
- (i) a township lot, city lot, town lot or village lot, section, block, gore, reserve, common, mining location and mining claim, or
 - (ii) a lot, block, part or other surveyed unit of land shown on a plan registered or deposited under The Land Titles Act or under The Registry Act.

1a. Any reference in this Regulation to the Inspector or to the Inspector of Legal Offices shall be deemed to be a reference to the Director or to the Director of Land Registration,*respectively.

*For convenient reference, "Director" has been substituted for "Inspector" throughout this publication.

ONTARIO REGULATION 139/67

GENERAL

2. (1) Except as provided by,

- (a) section 3;
- (b) sections 48 and 49, with regard to expropriation plans;
- (c) section 59, with regard to compiled plans;
- (d) section 70, with regard to judges' plans; and
- (e) subsection 3 and 4 of section 87, with regard to municipal plans,

sections 9 to 36, both inclusive, apply in respect of every plan to be registered, whether separately or as a part of or attached to an instrument.

(2) Section 7 and sections 9 to 36, both inclusive, apply to reference plans.

3. This Regulation does not apply,

- (a) to a plan under the Navigable Waters Protection Act (Canada);
- (b) except as provided by section 49, to a preliminary plan authorized by an Act of Canada or Ontario;
- (ba) except as provided by clause h of subsection 1 of section 8, to an order in council under section 5, 29, 36, 41, 42 or 43 of The Highway Improvement Act;
- (c) to a deed or conveyance given by the Director, the Veterans' Land Act (Canada) where the instrument by which the Director acquired title was registered before the 1st day of July, 1964;
- (d) to lots created by a plan under The Cemeteries Act;
- (e) to a plan illustrating a gas storage area designated under The Ontario Energy Board Act, 1964, or a predecessor thereof;

ONTARIO REGULATION 139/67

- (f) to a plan to illustrate land intended to be expropriated under an Act of Canada where the usual practice of the expropriating authority is to register, either separately or as a part of an instrument, a plan of survey of land so expropriated; or
 - (g) except section 94, to a sketch under clause b of section 86a of the Act.
4. The Registrar, having regard to the circumstances, may register an instrument or accept a plan that does not comply strictly with the requirements of sections 5, 6, 23 or 42.

ONTARIO REGULATION 139/67

PART I

DESCRIPTIONS OF LAND

5. (1) A description of land in an instrument, other than a plan tendered for registration,
- (a) shall mention every lot affected by the instrument and shall,
- (i) where the lot is according to an original survey, mention the concession, tract, range, section or other designation in accordance with the original grant from the Crown, or
- (ii) where the lot is according to a registered plan other than an expropriation plan, mention the registration number of the plan, and
- (iii) where the land is a designated PART on an expropriation plan, or is a portion of such a PART, also mention the number of the PART and the registration number of the expropriation plan;
- (b) except for an instrument referred to in section 7, shall be in writing;
- (c) except as provided by section 6 or 7, and subject to section 8, shall be by metes and bounds and,
- (i) where bearings in degrees are included in the description, the origin of the bearings shall be stated in the description,
- (ii) where the description includes a course along a curved boundary, the arc length, radius and chord length and chord bearing shall be included in the description,
- (iii) where the description is of a part of a lot, the description shall refer to at least one of the corners of the lot, and shall give the distance from that corner to an angle of the part being described,

Continued

- (iv) except as provided in subsection 4, shall not substitute contractions or abbreviations for words, and
 - (v) shall not substitute symbols for "foot", "feet", "inch", "inches" or other linear measurement;
- (d) shall not describe land by exception unless,
- (i) the same land has been described by exception in an instrument registered before the 1st day of July, 1964,
 - (ii) the land excepted is surrounded by the land described in the instrument,
 - (iii) the land excepted is a designated PART on a reference plan or expropriation plan.
 - (iv) the land excepted is the whole of the land shown on a registered plan, or
 - (v) the land excepted is the line of railway or right of way of a railway company, or is a public street, road or highway that was laid out by an original survey or shown on a registered plan;
- (e) subject to subsection 6 and section 8, shall not describe any boundary of the land affected by the instrument solely by reference to the registration number of a registered instrument or be dependent upon another instrument, unless the registered instrument is a registered plan;
- (f) shall not define distances by measurements other than feet and decimals of a foot or feet and inches; and
- (g) shall include,
- (i) the name of the geographic township, if any, in which the land was situate at the time of the original survey or a subsequent survey made under competent authority as defined in The Surveys Act except where the land is within a registered plan of subdivision, municipal plan, compiled plan or judge's plan,

Continued

- (ii) the name of the municipality and of the county, district or regional municipality in which the land was included at the time of execution of the instrument, and
- (iii) where the land was described in the last previously registered deed or conveyance as being included in a municipality other than the municipality referred to in subclause ii, the name of the other municipality.

(2) For the purposes of clause c of subsection 1,

- (a) a description of a part of a lot lying to one side of a described line; or
- (b) a description of a strip of land of uniform width by reference to a described line that is either one of the side lines or between and parallel to the side lines of the strip, where there is attached to the instrument in which the strip is so described a plan of survey, or a print thereof, showing the side lines, with distances between their points of intersection with lot limits and the nearest lot angles, in each instance,

shall, if it otherwise complies with this Regulation, be deemed to be a metes and bounds description.

- (3) Subclause ii of clause c of subsection 1 does not apply where the course described is the whole of a limit of a lot according to a registered plan.
- (4) Subclause iv of clause c of subsection 1 does not prohibit the substitution of "N" for "North", "E" for East, "S" for "South" or "W" for "West" with respect to bearings in degrees.
- (5) Subclause v of clause c of subsection 1 does not prohibit the substitution of symbols for the words "degrees", "minutes" and "seconds" with respect to bearings.
- (6) Clause e of subsection 1 does not prohibit the inclusion in a description in an instrument of a reference to the registration number of a registered instrument if the description otherwise complies with this Regulation.

6. Where an instrument, other than a plan, tendered for registration affects,
 - (a) the whole of a lot according to an original survey, the description in the instrument shall be of the lot and the concession, tract, range, section or other designation in accordance with the original grant from the Crown;
 - (b) the whole of a lot according to a registered plan, the description in the instrument shall be of the lot and the registration number of the plan;
 - (c) an aliquot part of a lot according to an original survey, the description in the instrument may be of the aliquot part if it was so described in the grant from the Crown or in a registered instrument;
 - (d) an aliquot part of a lot according to an original survey, where no adjacent part of the lot is owned by the person who owns the aliquot part, the description in the instrument may be of the aliquot part;
 - (e) half of a lot according to a registered plan, the description in the instrument may be of that half if it was so described in a registered instrument;
 - (f) land shown as a PART on an expropriation plan, the description in the instrument may be of the PART with reference to the registration number of the expropriation plan;
 - (g) a block resulting from a subdivision for abstract purposes under section 88 of the Act or a predecessor of that section, the description in the instrument shall refer to that block;
 - (h) a part of a street or highway that has been stopped up or closed, the description in the instrument shall also refer to the by-law, or other instrument, by which the street or highway was stopped up or closed and to the registration number of the by-law or other instrument;
 - (i) a rectangular part of a rectangular lot, the description in the instrument may be of the perpendicular width of the part either throughout or to a given perpendicular depth.

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8. (1) Where an instrument tendered for registration is,
- (a) a certificate of payment of succession duties under subsection 7 of section 58 of the Act or a consent under section 58a of the Act in respect of any lands forming part of the estate of a deceased person, the description in the instrument may substitute contractions or abbreviations for words, or may be in the same form as in a related deed to which clause d applies, or may describe the land affected by the instrument by reference to the registration number of a previously registered instrument;
 - (b) a claim for lien under The Mechanics' Lien Act or an assignment, discharge, vacating order or certificate of action in respect thereof or a notice of conditional sale contract under The Conditional Sales Act, or a renewal, assignment or discharge thereof, the description in the instrument may describe the land affected by the instrument by reference to the registration number of a previously registered instrument;
 - (c) a notice of tax arrears or similar notice under The Assessment Act, The Department of Municipal Affairs Act, The Mining Act, The Provincial Land Tax Act, 1961-62, The Local Roads Boards Act, 1964, or The Municipal and School Tax Credit Assistance Act, 1967, the description in the instrument;
 - (i) may substitute contractions or abbreviations for words, or
 - (ii) may describe the land affected by the instrument by reference to the registration number of a previously registered instrument;
 - (d) a deed or other conveyance given by an executor or trustee under a will, an administrator or other personal representative of a deceased person, the description in the deed or conveyance may be the same as the description in the instrument by which the deceased person acquired title;

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- (e) a certificate of discharge under section 72 of the Act, the instrument may contain an abbreviated description of the land thereby affected instead of a description by metes and bounds;
 - (f) an assignment of a lease or mortgage, the description in the assignment may be the same as the description in the lease or mortgage;
 - (g) a notice of an application or a certificate of title under The Certification of Titles Act or a notice of application for first registration or a certificate of a master of titles under The Land Titles Act or any document relating thereto registered by the Director of Titles or a master of titles, the land may be described in the notice, certificate or document by reference to a plan of survey of which a paper print is attached to the notice, certificate or document, if the plan is on file in the office of the Director of Titles or master of titles;
 - (h) an order in council under section 5, 29, 36, 41, 42 or 43 of The Highway Improvement Act, the description in the order may describe the land affected by the order by reference to a plan of which a paper print is attached to the order, in which case the description is a local description for the purposes of clause b of section 57 of the Act; or
 - (i) an order of the Minister of Municipal Affairs under clause b of subsection 1 of section 27 of The Planning Act, the description in the order may describe the land affected by the order in such manner as is approved by the Director.
- (2) Except as provided in subsection 1, a description in an instrument referred to in subsection 1 shall comply with section 5.

NOTE: SUBSECTIONS 3 TO 6, BOTH INCLUSIVE, OF SECTION 8 OF O. REG. 139/67, AS AMENDED, DO NOT RELATE TO DESCRIPTIONS, AND HAVE BEEN OMITTED.

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FIRST EDITION - October, 1969.
First Revision - April, 1970.
Second Revision - August, 1970.

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